

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTOLIN ANDREW MARKS,) No. MC08-5045
Plaintiff,)
v.) ORDER
MR. JENNINGS, *et al.*,)
Defendants.)

This matter comes before the Court *sua sponte*. On March 24, 2008, the Honorable Franklin D. Burgess, United States District Court Judge, entered an order barring plaintiff from proceeding *in forma pauperis* unless he shows, among other things, that he is in imminent danger of serious bodily injury or death. On July 9, 2008, the Clerk of Court received a complaint, an application to proceed *in forma pauperis*, and a letter signed by Mr. Marks. These documents are now before the undersigned for review pursuant to the terms of the bar order.

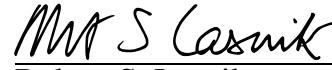
Plaintiff asserts that his Eighth Amendment rights are being violated by defendants' failure to screen inmates for contagious diseases and that enforcement of Disciplinary Code 221 infringes his First Amendment right to petition and/or his right of access to the courts. Plaintiff's sole allegation of harm is that he might contract an infectious disease such as chicken pox or tuberculosis. Assuming, for purposes of plaintiff's complaint, that such

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1 illnesses could be serious, they are not imminent. Nor has plaintiff attempted to show that
2 enforcement of the Disciplinary Code has placed him in danger of serious bodily injury or death,
3 apparently under the mistaken theory that if one of his claims survives this preliminary review,
4 the entire complaint will be accepted. That is not the case. The undersigned will evaluate each
5 claim asserted by plaintiff separately to ensure that it satisfies the bar order requirements before
6 allowing him to proceed *in forma pauperis*.

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8 For all of the foregoing reasons, the new action submitted on July 9, 2008, shall
9 not be permitted to proceed. The Clerk of Court shall docket this order in MC08-5045. Neither
10 the Clerk of Court nor defendants need take any further action with regards to this matter.

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12 Dated this 25th day of July, 2008.

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15 Robert S. Lasnik
16 Chief Judge, United States District Court
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